



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held November 18, 2008, the Board took the following action:

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The following item was called up for consideration:

Recommendation: Adopt findings, conditions with modifications and order approving Conditional Use Permit Case No. 98-062-(3), to authorize construction, operation and maintenance of a private religious preschool, elementary and middle school (pre-kindergarten through eighth grade) for up to 750 students and 97 staff on property located northeasterly of Palo Comado Canyon Rd. and east of Cheseboro Rd., Agoura Hills, Malibu Zoned District; and approval of a revised Mitigation Monitoring Program for the project, applied for by Abraham Joshua Heschel Day School West.

The following statement was entered into the record for Supervisor Yaroslavsky:

"In November of 2007, after nearly ten years of review, seven public hearing sessions at the Planning Commission and Board of Supervisors, and many project revisions to respond to community concerns, this Board confirmed the findings of the Department of Regional Planning and the Regional Planning Commission that the Heschel West School's conditional use permit application met its legal obligation to comply with the North Area Plan and protect the surrounding community. Since that time, County staff has continued to work with the City of Agoura Hills, the Old Agoura Homeowners Association, the School, and other interested parties to ensure that the final conditions of the project would provide the strongest possible protections for the community. As a result of these ongoing efforts, and in keeping with the points raised during the Board's public hearing sessions on this matter, the following additions and modifications should be made to further strengthen the protections guaranteed by this conditional use permit.

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“To be clear, this permit requires Heschel to mitigate at its sole cost 100% of the traffic improvements necessary to ensure that the project will not create a traffic or financial burden on its neighbors or the City of Agoura Hills. It requires the school to pay upwards of \$3.5 million to help address regional traffic concerns that already exist in the area today. It requires the school to follow strict design standards and community review processes to ensure that the school's architecture respects the culture and semi-rural aesthetic of Old Agoura. It requires the school to set aside approximately two-thirds of the site as open space and follow many other conditions to absolutely ensure that the school will be a good neighbor to the Old Agoura community. With the following additional changes, notably including removal of the school's ability to send traffic through the Old Agoura community at anytime during its regular operations, this permit is worthy of the Board's support and it should be approved. Attached are a substitute set of project conditions prepared by County Counsel, including a substitute mitigation monitoring program, which will implement the modifications set forth below.”

Rick Weiss, County Counsel, Bill Winters, representing the Department of Public Works and Bob Asgian representing the Sanitation District testified. Jess Thomas, George Colman, Alyse Lazar, Tami Weiser, Richard Wentz and Ben Reznik addressed the Board.

After discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Knabe, unanimously carried, the Board approved Conditional Use Permit 98-062-(3) along with the findings, updated Mitigation Monitoring Program, and conditions with the additional revisions set forth below:

1. Amend Condition 35 to require that Heschel School hold one meeting per month during school construction and for the first year following the issuance of the first certificate of occupancy but allow the frequency of the meetings to be reduced to a minimum of two meetings per year after that period.
2. Eliminate the ability of the School to use the interim school student carpool/busing program, which allows the School to regularly use Chesebro Rd., by deleting Condition 37 and all references thereto.

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3. Add an explicit requirement to Condition 41 that “The physical location of drop-off and pick-up locations, the school’s operations, and the rules that parents and guardians must follow as a condition of enrolling their children in the school, shall ensure that cars do not park, queue or otherwise wait for students off-site.”
4. Clarify Condition 51 by additionally stating that “third-party private parties or ceremonies shall be prohibited, but this condition shall not be construed to prohibit civic, charitable or cultural events as eligible for inclusion within the permitted 24 after school / evening events or 4 major events.”
5. In Condition 65, mandate that the Old Agoura Homeowners Association also be informed of construction activity required on Chesebro Rd. at least two weeks in advance of that activity.
6. In Condition 75b, prohibit any construction activity that occurs on Saturday from including the delivery or removal via Chesebro Rd. of heavy equipment or construction materials or from using tractors, other earthmoving equipment or any other activities which exceed 60dB(A) as measured at the property line.
7. In Condition 75c.iv., eliminate the existing rule that only grading necessary to complete Phase I can be conducted during the first phase of development. Instead, mandate that: “In order to prevent graded areas from being left in a denuded state for prolonged periods of time, upon completion of grading, all disturbed graded areas that are not associated with an active building permit, construction staging areas, or other authorized improvements shall be reseeded and/or revegetated with plant species native to the Santa Monica Mountains that are appropriate for the orientation of the slope and are in conformance with the approved Landscape Plan. Said reseeded or revegetation shall be completed within 30 days or other period established by the Director. All grading, drainage facilities, and erosion control necessary to complete Phases I and II shall be completed during construction of Phase I.”

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8. Add Condition 75.c.vii. which shall state: "In the event that any permit issued for grading work in connection with this project expires, pursuant to Section 106.5.4 of Title 26 of the Los Angeles County Code (Building Code), the applicant shall restore all areas disturbed by the grading work to their original contours and condition, including vegetative cover, in accordance with the Building Code and to the reasonable satisfaction of the Director of Public Works. The applicant shall furnish a bond or other type of security acceptable to the Director of Public Works to guarantee the performance of this obligation. The bond or other type of security shall be submitted prior to and as a condition precedent to the issuance of any permit for grading work in connection with this project. Should the applicant fail to restore the site as required in this condition, the Director of Public Works may, upon not less than 10 days prior written notice to the applicant, cause to be forfeited to the County the bond or other security submitted by the applicant and shall apply the amounts recovered toward completion of the restoration work.
9. In Condition 8, amend the grant termination date from November 18, 2038 to October 28, 2038.

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Attachment

Copies distributed:

Each Supervisor
County Counsel
Director of Planning
Acting Director of Public Works
Jess Thomas
George Colman
Alyse Lazar
Tami Weiser
Richard Wentz
Ben Reznik